

REMARKS

Claims 1-20 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species (embodiment) I, readable on Figure 1;

Species (embodiment) II, readable on Figure 7;

Species (embodiment) III, readable on Figure 11;

Species (embodiment) IV, readable on Figure 14; and

Species (embodiment) V, readable on Figure 16.

It is the Examiner's position that the species listed as Groups I, II, III, IV and V are patentably distinct from each other. However, the Examiner merely identifies five embodiments disclosed in the present application and associates each embodiment with a different species without an explanation why each embodiment is considered a different species. MPEP 806.04(f) states the mutually exclusive characteristics rule of species restriction. That is "one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed for the second species and not the first" (emphasis added). The Examiner makes no showing why the rule of mutual exclusivity is met for each claimed embodiment. Therefore, the Applicant respectfully traverses the present Species election and requests that the same be withdrawn and that claims 1-20 be examined on the merits. Alternatively, the Applicant respectfully requests that the Examiner make a showing why the disclosed embodiments are considered different species consistent with MPEP 806.04(f).

Therefore, although the Applicant traverses the Examiner's requirement for a species election, Applicant elects to prosecute the subject matter of Species (embodiment) I, readable on claims 2-4 and 15-17. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

The Applicant further respectfully submits that claims 1, 18, and 20 are generic to all of the listed species and requests continued examination of the same along with elected claims 2-4 and 15-17.

With regard to claims 1, 18, and 20, although such claims may use different terminology, they nonetheless are generic to each of the disclosed embodiments. That is, they are broad enough in scope to cover all of the disclosed embodiments and are therefore, not limited to any of the disclosed embodiments.

Therefore, in summary, the Applicant respectfully requests that the present Species election be withdrawn and that claims 1-20 be examined on the merits. If the Examiner can make a showing that such Species election is proper, at the very least, the Applicant respectfully submits that claims 1, 18, and 20 are generic to each of the disclosed embodiments and that such claims be examined along with elected claims 2-4 and 15-17.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



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